Secte. II-87—200,000—21-6-43.

M

Development (195) Department.

Ms. SERIES.

G.O. No. 1846

Dated 30-3-1948

[Despatch Abstract.]

Public Services - Madras Co-operative Subordinate Service Subordinates working in other departments - Promotion - Position under rule 8 of the General Rules - Clarified - Papers - Recorded.

COOPERATIVE DEPARTMENT

From
Sri Rao Bahadur J.C. Ryan, M.A.,
Registrar of Cooperative Societies
Chepauk, Madras

To
The Secretary to Govt.,
Development Deptt.,
Madras.

No.29656/47-G1, dated 3rd December 1947.

Sir,

Sub: Public Service - Madras Co-operative Subordinate Service - Co-operative Sub-Registrars and Senior Inspectors working in other departments - Withdrawal of.

There are some subordinates of this department who have accepted posts in departments like Textile, Civil Supplies, Revenue etc. and with the Government of India. They have been away from this department for periods exceeding three years. In a few cases they have been promoted to higher categories in the regular line even though they happned to be away, as their claims are protected by rule 8 of the General Rules for the Madras Provincial and Subordinate Services. Without deprecating the importance of the work of the other departments, I must say that the work of this department is technical to a great degree and efficiency greatly depends upon the knowledge of the men in account keeping and auditing. The scope of these is ever increasing with very expansion of departmental activity along new lines. Therefore, unless these men return to this department and resume departmental work with which they have been out of touch for so long they will not be of much use, when they return at later dates and I do not think I will be justified in giving them further promotions.

2. It is likely that some of them may not be willing to return, as they may be expecting better prospects in the departments in which they are employed at present. In such cases there cannot be any valid reason for considering their claims for promotion in this department as it would amount to allowing them to better their prospects in two departments simultaneously. Further, if an officer proves efficient in one department, it does not necessarily follow that he can prove equally efficient in other departments, I am therefore of the opinion that a subordinate who seeks promotion in the parent department cannot be allowed to remain in other departments for any period exceeding three years and he should be compelled to return and prove his worth before he is promoted This can be done only if I am given the necessary powers. I therefore, request that Government may be pleased accept this principle and incorporate in the special rules for the Madras Co-operative Subordinate Service a Rule as follows:

"Notwithstanding any thing contained in rule 8 of the General Rules for the Madras Provincial and Subordinate Services or in any other rule, a member of the Madras Co-operative Subordinate Service who chooses to remain away from the parent department for any period exceeding three years at a stretch by accepting posts in other departments or Governments shall forfeit his claims for promotion to higher categories or posts in the parent department".

D.O.No.121241-B-I
43-4

GOVERNMENT OF MADRAS

Development Secretariat,
Dated Fort St. George the
2nd March 1948.

My dear Ryan,

Public Services - Madras Co-operative Subordinate Service - Subordinates of the Co-operative Deptt. working in other departments withdrawal.

Ref....

Your letter No.29656/47-G.1, dated 3-12-1947.

In the letter cited above you seem to proceed on the assumption that Government servants on deputation, foreign service etc. should necessarily be promoted to higher posts in their turn whether or not their fitness for such promotion is known. The position has been examined in consultation with the departments concerned. It is considered that there is nothing in rule 8 of the General Rules for the Madras Provincial and Subordinate Services to warrant the assumption referred to earlier. The words "if he is otherwise fit" occurring in the rule make it sufficiently clear that the privilege relating to promotion conferred by the rule will be available only if the competent authority considers the absent member to be fit for promotion in his original department. The real remedy for the situation referred to by you would seem to be to give the absent members a reasonable opportunity to return to the parent Department. A member of the Department who is not willing to return to it and prove his fitness for promotion for higher posts may well be passed over. It has therefore been suggested that there is no need for an amendment as suggested in the letter cited. I am to request you to state whether you accept this position.

Yours Sincerely,

C.V. Narasimham.

To

Sri J.C. Ryan,
Registrar of Co-operative Societies.

D.O.No.29656/47-G1.

Office of the Registrar
of Co-operative Societies,
Chepauk, Madras, dated
15th March 1948.

My Dear Narasimham,

Sub: Public Services - Madras Co-operative Subordinate Service - Subordinates of Co-operative Department working in other departments - Withdrawal of.

Ref: Your D.O.No.121241-BI/47-4, dated 2nd March 1948.

I accept the position explained in your D.O. that a member of the department who is not willing to return to it and prove his fitness for promotion for higher posts can be passed over when the question of his promotion arises.

Yours Sincerely,

J.C. Ryan.

To

C.V. Narasimhan, Esq., M.B.E., I.C.S.,
Deputy Secretary to Government,
Development Department
Fort St. George, Madras.

n.f.
p.t.o.

Development Department.

PUBLIC SERVICES - Madras Cooperative Subordinate Service - Subordinate officers working in other departments - Withdrawal.

From the Registrar of Co-operative Societies. Letter No.29666/47-G.I., dated 3-12-1947.

To A.S.

The R.C.S's letter at pp.1-2 c.f. may be perused.

Under rule 8 of the General Rules for the Madras Provincial and Subordinate services, a member on foreign service or on deputation shall be eligible in his turn for promotion, confirmation etc. in the parent department in the same manner as if he had not been absent from the parent department.

2. The Registrar states that there are some subordinates of the Co-operative Department who have accepted posts in departments like Textile,, Civil Supplies, Revenue, etc. and with the Government of India and have been away from the Co-operative Department for periods exceeding three years. Some of them have been promoted to higher categories in the Co-operative Department under rule 8 quoted above. He states that the work of the Co-operative Department is technical to a great degree and efficiency greatly depends upon the knowledge of the men in account-keeping and auditing. He therefore considers that the subordinates of the department should not be out of touch with the departmental work for a long time. He therefore suggests that a subordinate who seeks promotion in the parent department should not be allowed to remain in other departments for any period exceeding three years and that he should be compelled to return and prove his worth before he is promoted and has suggested a provision to that effect in the Co-operative Subordinate Service Rules. As the points raised by the Registrar are equally applicable to other departments also this should be treated more as a general question than as one relating to the Co-operative Department. Public (Services) may therefore be requested to offer their remarks on the Registrar's suggestion.

** **

12-12-1947.

Public (Services) Department.

The Registrar's letter in the c.f. and the note of the Development Department on the previous page may be perused.

Under rule 8 of the General Rules for the Madras Provincial and Subordinate Services, a member of a service on foreign service or on deputation shall be entitled to all the privileges in respect of appointment, seniority, probation and appointment as full member which he would have enjoyed but for his absence subject to his completing satisfactorily, the period of probation on his return. For the reasons stated in his letter, the Registrar requests that the Madras Co-operative Subordinate Service Rules may be suitably amended to the effect that a member of the Madras Co-operative Subordinate Services who chooses to remain away from the parent department for any period exceeding three years at a stretch by accepting posts in other departments or Governments shall forfeit his claims for promotion to higher categories or posts in the parent department, namely Co-operative Department in this case.

It is submitted that the above proposal of the Registrar of Co-operative Societies seems to be subject to much objection in view of the fact that the proposals restricting the protection of the Co-operative... [illegible]

Co-operative Department lent to other Departments, like Textile, Civil Supplies and Revenue etc. A member of a service is generally, lent to another department in view of the administrative necessity. It does not therefore seem to be justifiable to restrict the application of the privileges under General Rule 8 to such a member on the ground that he happens to be away from the parent department for more than 3 years. In such a case, the appropriate course will be to recall him after the expiry of the three years' period to the parent department and not to make him forego the claim for promotion in his parent department, since the latter course will not be in-keeping with the spirit of General Rule 8.

Moreover the arguments put forward by the Registrar of Co-operative Societies are not applicable to the Co-operative Department alone. It will hold good in the case of other departments also. No other department has so far raised similar objection. In the circumstances, there does not seem to be any case to accept the Registrar's proposal. Development may be requested to take orders in circulation on the proposal. The Hon. Premier should also see.

Subject to orders, the case may be returned to the Development Department.

Please let me see the discussions connected with General Rule 8.

** **
27-12-47

Relevant papers relating to the discussions connected with General Rule 8 are submitted below.

The principle of protection of claims to promotion of absentee members was first enunciated in the form of rule 13(f) of the General Rules for the Provincial Services. Its scope was limited to absence on foreign service. Attention is invited to the notes relating to this rule on p.169 of the printed notes in G.O. 994 Public (Services), dated 25th September 1933 at (E). The object underlying the rule was not to give undue advantage to juniors on account of absence of seniors on foreign service. The draft rule was considered equitable and necessary and to be in accord with the protection afforded in respect of absentees on foreign service under the Fundamental Rules. Subsequently this rule was expanded so as to cover absentee seniors on leave or on special duty also - vide A on p.4 of the printed notes in G.O.No.2174 Public (Services), dated 17-12-35 and rule 13(6) on p.1 of the same G.O. A rule containing similar provisions was also introduced in the General Rules for the Subordinate Services For the rule in its present form attention is invited to p.28 of G.O.No.989 Public (Services), dated 25-3-1942.

[Please see letter in the c.f. and Dev. Note on p.1 ante]

General rule 8 gives protection to members of a service on leave, foreign service, deputation etc. in the matter of confirmation, promotion etc. in the service to which they belong. This protection has been provided in the rule on grounds of equity. The Registrar of Co-operative Societies wants that persons who take up appointments outside their regular cadre should be compelled to return to their parent service at the end of 3 years and that if they do not return, their cases will not be considered for promotion. His reason for the suggestion is that when people are away from their normal duties, their worth cannot be gauged and so it is not in the interests of the public service to promote them on paper to higher posts.

The R.C.S. seems to proceed on the assumption that Government servants on deputation, foreign service etc. should necessarily be promoted to higher posts in their turn whether or not their fitness for such promotion is known. There seems

to

A to be nothing in the rule to warrant this assumption." In fact, the presence of the words "if he is otherwise fit" in the opening sentence of the rule definitely leads to the conclusion that except in cases where promotion should be made strictly in accordance with seniority, the absentee need be promoted on paper only if he is otherwise fit. When a person's fitness or otherwise for promotion to a higher post in a selection category is not known, no case for promotion will at all arise. If, for instance, a Junior Inspector of Co-operative Societies went on foreign service soon after he was appointed to that post and did not return for a number of years, the competent authority would have had no opportunity to determine his fitness for promotion as Senior Inspector. In that case, it is clearly unnecessary to promote such a person as Senior Inspector on paper. Where, however, a Junior Inspector had done service for some years and had proved his fitness for promotion as Senior Inspector before he went on foreign service etc., but was not actually on duty when his ~~xxt~~ turn for promotion came, he should not in fairness to him be passed over simply because he was away. The rule ~~i~~ also provides sufficient safeguard in that such a person is required to undergo probation on return to duty. In the circumstance a rule of the kind suggested by the Registrar of Co-operative Societies seems to be neither necessary nor fair to the individuals concerned. Legal may kindly say whether they agree with the above interpretation of the rule. If they agree, Development may explain the position to the Registrar of Co-operative Societies.

K.R.M.
3-2-1948.

LEGAL DEPARTMENT.

I agree with the interpretation put on General Rule 8 by Public (Services) at A on p.4 ante. The words "if he is otherwise fit" occurring in that Rule make it sufficiently clear that the privilege relating to promotion conferred by it will only be available if the competent authority considers the absent member to be fit for promotion in his original department.

The real remedy for the situation referred to in the R.C.S's letter seems to be for him to give the absent members of the service a reasonable opportunity to return to the Co-operative Department. Member of the Department who is not willing to return to it and prove his fitness for promotion for higher posts may well be passed over.

K.V.R.
7-2-1948.

Development Department.

To A.S.

Notes from p.2 ante may be perused. Public (Ser.) Department may see Legal Notes above. That Department may be requested to state whether the R.C.S. may be informed as stated by the Legal Department.

** **
13-2-1948.

-D
Public (Ser.) Department.

(Previous notes of the Deptt. on p.2-5 ante)

Legal and Development notes on p.5 ante may be perused. With reference to A on p.5 ante, Development may explain the position as in the Legal Department note on p.5 ante to the Registrar of Co-operative Societies.

The file may be returned to Development.

19-2-

Development Department.

To A.S.

Notes from p.1 ante may be perused. A draft Memo. to the R.C.S. is submitted for approval. After issue the papers may be recorded.

** **
29-2-48.

Issue as modified, as a D.O. We may get the reply of the R.C.S. before recording the papers.

C.V.N.
1-3-48.

/Issued as D.O.No.121241-B-I/47-4, dated 2-3-1948./
From the R.C.S. D.O.No.29656/47-G.1, dated 15-3-48.

To A.S.

Please see the Registrar's reply at p.5 c.f. to the D.O. at pp.3-4 c.f. No further action is called for in this file. The papers may now be recorded.

C.V.N.
25-3-1948.

G.O.Ms.No.1546 Development, dated 30-3-1948.

PUBLIC SERVICES - Madras Co-operative Subordinate Service - Subordinates working in other departments Promotion - Position under Rule 8 of the General Rules - Clarified - Papers Recorded.

(True copy)

R. Nagarajan 3.2.54

Office Assistant,
Madras Record Office.

aj/3.10